

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:13CR00180-01 JLH

JAMES A. HELFRICH

DEFENDANT

**ORDER**

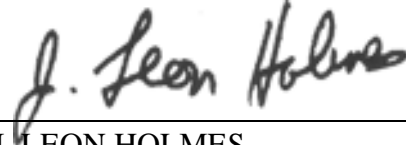
James A. Helfrich has filed a motion for release from custody pursuant to 28 U.S.C. § 3145(b), which provides that if a person is ordered detained by a magistrate judge, the detainee may file a motion with the district court for revocation or amendment of the order. The Court has reviewed the transcripts of the proceedings before United States Magistrate Judge J. Thomas Ray, who previously ordered Helfrich to be detained, and has conducted its own hearing at which the parties were permitted to introduce additional evidence. Pursuant to section 3145(b), the Court now makes its own, independent determination, granting no deference to Judge Ray's determination.

Helfrich is indicted on charges of conspiracy to possess with intent to distribute methamphetamine and possession with intent to distribute methamphetamine. He was convicted of murder in the first degree in 1994. He was incarcerated for eleven years before being paroled in 2005. Since his parole, he has been convicted of drug offenses in 2006, August of 2009, and October of 2009. He has also been convicted of theft by receiving in 2013. While he was on parole and before his arrest in this case, he was involved in a violent encounter involving two carloads of adults, who went to the residence of a person named Gene Osborne and then fired shots at Osborne's home.

The Court has considered the testimony of Stephanie Bradley, who would be an appropriate third party custodian. Nevertheless, in view of Helfrich's history, the Court does not believe that any combination of conditions would reasonably assure the safety of the community if Helfrich were

released. The motion for release is therefore DENIED. Document #25. The detention order entered by Judge Ray will remain in effect.

IT IS SO ORDERED this 5th day of August, 2013.

A handwritten signature in dark ink, appearing to read "J. Leon Holmes", is written above a horizontal line.

J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE